

REMARKS/ARGUMENTS

Claims 1 and 3 are present in this application. By this Amendment, claim 1 has been amended. Reconsideration in view of the above amendments and the following remarks is respectfully requested.

At the outset, Applicant extends his appreciation to Examiner Wright for her courtesy in conducting the interview with Applicant's representative on July 18, 2008. During the interview, Applicant's representative proposed amendments to claim 1 in an effort to overcome the rejection under 35 U.S.C. §112, second paragraph, and to more clearly preclude a separate drive source from driving the auxiliary plate. Examiner Wright agreed that the proposed amendments were sufficient to obviate the §112 rejection and the rejection over prior art.

Claims 1 and 3 were rejected under 35 U.S.C. §112, second paragraph. Without conceding this rejection, claim 1 has been amended to recite that the lifting plate includes a pin engageable with and displaceable in a slit in the auxiliary plate. As noted above, Examiner Wright agreed that this language was sufficient to obviate the rejection. Withdrawal of the rejection is requested.

Claim 1 was rejected under 35 U.S.C. §103(a) over Japanese Patent Publication 2002-306952 to Ishizuka. This rejection is respectfully traversed.

As discussed previously, the lifting plate 22 and the auxiliary plate 21 in Ishizuka include separate lifting sources and are respectively driven in opposite directions. In an effort to preclude a separate drive source from driving the auxiliary plate, claim 1 has been amended to recite that the container individually-moving mechanism includes a single drive source for lifting up the specimen containers and to recite that the drive source drives only the lifting plate such that the auxiliary plate is slidable up and down in accordance with movement of the lifting plate

only by engagement of the pin [in the lifting plate] with the slit [in the auxiliary plate].

Additionally, claim 1 has been amended to recite that the lifting plate and the pin and the auxiliary plate and the slit are constructed such that the top end of the auxiliary plate is flush with that of the lifting plate when the lifting plate descends and is located in a lower level than that of the lifting plate when the lifting plate ascends. As noted above, during the interview, Examiner Wright agreed that these amendments more clearly distinguish the claim from the Ishizuka publication.

Withdrawal of the rejection is respectfully requested.

Claim 3 was rejected under 35 U.S.C. §103(a) over Ishizuka in view of U.S. Patent No. 4,567,997 to Portyansky. The Portyansky patent, however, does not correct the deficiencies noted above with regard to claim 1. As such, Applicant submits that claim 3 is allowable at least by virtue of their dependency on an allowable independent claim. Withdrawal of the rejection is requested.

In view of the foregoing amendments and remarks, Applicant respectfully submits that the claims are patentable over the art of record and that the application is in condition for allowance. Should the Examiner believe that anything further is desirable in order to place the application in condition for allowance, the Examiner is invited to contact Applicant's undersigned attorney at the telephone number listed below.

Prompt passage to issuance is earnestly solicited.

ITOH
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Respectfully submitted,

NIXON & VANDERHYE P.C.

By: /Alan M. Kagen/
 Alan M. Kagen
 Reg. No. 36,178

AMK:jl
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100